

CALPILOTS

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Volunteers Promoting and Preserving California's Airports

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CALIFORNIA PILOTS ASSOCIATION

AIRPORT SAFETY ZONES

By Michael Perrault And Dayna Straehley
The Press-Enterprise January 2009

When the Perris City Council allowed a 173,000-square-foot distribution center to be built inside the Air Force's "accident potential zone" just south of the March Air Reserve Base runway, it defied a request by two Riverside County supervisors who feared developing the buffer zone more than the recommended 20 percent. Pilots, Inland municipal airport managers and owners, and state aeronautics and federal aviation officials are constantly assessing what types of development could chip away at airport safety zones. **The state makes recommendations, but cities and counties can overturn them, putting safety zones and development on a collision course.** Seventy-five crashes have occurred in the past five years near these Inland airports, according to the National Transportation Safety Board, making the conflict a crucial issue.

The only recorded accident south of March's runway was in 1979 when a B-52 crashed near Markham Street. The development recently approved by Perris is closer to the runway, according to the city's general land use plan.

At Flabob Airport, safety zones and development are visible to the north and south of the airport. Pilots, Inland municipal airport managers and owners, and state aeronautics and Federal Aviation officials constantly analyze what kinds of development could chip away at airport safety zones. "Our main concern is safety, not just with airport users but those surrounding the airport — the public," said Heidi Williams, senior director of airports for the Aircraft Owners and Pilots Asso-

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Riverside continued...

ciation, which has some 415,000 members. “While there are processes to protect and enhance safety around airports, they don’t always have the teeth we need to implement that protection.”

The state sets guidelines for property owners and local jurisdictions to determine appropriate land development near airports, said Terry Barrie, a senior planning official with Caltrans’ Division of Aeronautics.

Those land-use compatibility plans are meant not only to ensure safety, but also to reduce vulnerability to incompatible development and preserve the long-term use of general aviation airports, Barrie said.

Yet a two-thirds majority vote by a city council or board of supervisors can overrule the land-use plans, said Bob Cable, CEO of Cable Airport in Upland, a large family-owned public-use airport where more than 360 aircraft are based.

“There are really no government agencies that strictly enforce it other than private entities filing lawsuits to stop construction,” Cable said.

There has been plenty of development around Cable Airport, including three houses a pilot once crashed into near the runway approach. “Thank God nobody was hurt,” Cable said. “But those houses were built in an area where Caltrans and the state of California said they shouldn’t have been built.”

Safety zones such as the one at March are meant to provide a “buffer,” keeping communities safe from aircraft accidents, said Ian Gregor, Federal Aviation Administration spokesman.

Such zones are critical for aircraft safety too,

said Temecula pilot Kevin McKenzie. When the engine on McKenzie’s pre-World War II open-cockpit military trainer conked out in October near Rialto Municipal Airport, the veteran 51-year-old pilot knew the biplane lacked much in the way of gliding capabilities.

“My engine loss occurred at virtually the only spot in space and time — horizontally or vertically — where A, there wasn’t enough runway to land straight ahead, or B, to turn around and land on the same runway going the other way,” he said.

McKenzie had to crash land his 1941 Naval Aircraft Factory N3N-3. Rialto’s runway protection zone turned out to be a godsend. “I’m sort of walking proof why those (safety zones) get put into effect,” he said.

Nothing binding

Airport land use compatibility plans, whether designed by Caltrans’ Division of Aeronautics or county restrictions, said Bill Ingraham, San Bernardino International Airport’s aviation director.

“One thing to remember in all of this is the guidelines only address planning,” Ingraham said. “If there’s an existing land use — they’re entitled — these guidelines don’t apply.” That leaves some airports with almost no runway buffer zones, Gregor said.

“The local government may have allowed the development to encroach on the airport before these kinds of regulations were put in place,” Gregor said.

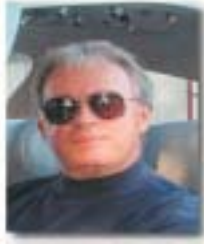
In one such case, homes on Pembroke Drive in Riverside were built a quarter-mile away from Riverside Municipal Airport in 1957, well before guidelines were in place, Riverside city public information officer Austin Carter said in an e-mail.

Go to the web site to read the rest of the article..

NEW YEAR — NEW APPROACH

--Continued

*Ed Rosiak - President
California Pilots Association*



Last issue we discussed what government is and is not doing for us, and that we need to hold elected and public officials accountable.

This issue we need to do a little soul searching and take a look at ourselves and our role in promoting and protecting the state's general aviation airports.

One of the aspects of the job that I really enjoy is talking to pilot groups around the state on the importance of protecting their airports.

It is not unusual to find a lot of questions regarding how to do that, as well as why bad things are happening to their airport.

While it may not be appropriate to judge any group, I would have to say that pilots as a group are good people. Pilots do not typically want to make waves, and are used to the limitations of the regulatory experience in aviation which, I think, falls over into other aviation matters.

Numerous times I have heard about a few anti-aviation individuals spreading false information about the local airport. This is nothing new.

What is interesting is that pilots, whom are good people, do not appear to understand how to deal with this questionable conduct.

More than likely, because pilots are good citizens that don't want to make waves by addressing the misinformation since that means calling it what it is – a lie.

As a group, we pilots have to respond to every negative comment directed toward our airport(s), be they during personal conversation, during a formal hearing, in the newspaper or in blogs.

I am not saying that we need to provide misinformation, but we do need to point out what is misinformation when we hear or see it. My challenge has always been to do it unemotionally, and in a business like manner. Which is easier said than done for many of us.

I am learning though, that the way to address the issues that affect public perception is through the same media used to distribute the misinformation. Anti-airport types have been known to go door to door using neighborhood flyers, use the newspaper editorial pages of the local newspaper, and at county/city council meetings.

The first change we need to make is to assume that anti-airport types will do some, or all of the above. That means we need to have an answer ready when it happens instead of scurrying around to try to figure out how to respond.

Each airport/pilot organization needs to appoint a spokesperson to become the media communications focal point. Since county/city councils and media prefer hearing from one person rather than 40 saying the same thing, we suggest that one spokesperson present the group's case, with the entire organization present at the council meeting.

Of course a spokesperson must be comfortable in front of groups and be aviation knowledgeable. Make sure you also pay attention to the response rules, be it the number of words a newspaper will allow or the time limit at a council meeting. This is on the job training and it's time to get started. If you need help contact us.

POWER PLANTS AND AIRPORTS DON'T MIX

By Andy Wilson



You may not be aware that *two* new power plant developments have been proposed within 1.5 miles of Hayward Executive Airport (HWD), and that more are planned in close proximity of other state airports. No surprise, as incentive the power company offered Hayward a large sum of “community money” if the projects were approved. Bribe? You decide.

Researching the aviation issues associated with the operation of the proposed 50 Megawatt (and larger) power plants within HWD airspace exposed the potential dangers to aircraft operations, which were being ignored, or downplayed.

Background - Power Plant Proposal Process
During an initial California Energy Commission (CEC) hearing a 12 month ‘sitting process’ similar to a court proceeding is conducted.

The process includes public workshops, public comment, data requests, a pre-hearing, as well as an evidentiary hearing where evidence and witnesses give sworn testimony. Any person, including pilots, can make public comments either verbally, or in writing at anytime during the process, up to the final Commissioners decision meeting held in Sacramento, California.

Individual comments cannot, however, be legally considered as evidence unless they are provided by an Intervener or an attorney. The basic rationale for intervention is that a judgment in a particular case may affect the rights of nonparties. The issue with this is that the CEC does not clarify this point prior to the

hearings. One must know the rules. It is critical to have an Intervener.

To become an Intervener, application is made to the CEC. Becoming an Intervener has no educational, i.e. being an attorney, nor resident location requirement relative to the proposed power plant site. All CEC projects have an Intervener application deadlines.

Without an understanding of court procedures, as an attorney would, an Intervener may struggle during the evidentiary hearing. Participation during the evidentiary hearing phase includes submitting evidence, calling witnesses and the cross-examination of witnesses. Declarations and Exhibits are also required of participants in the evidentiary hearing. It is best to prepare.

It is also important to note that Interveners receive correspondence and project documentation that may, or may not, be posted on the CEC Project web site. This site specific project information could prove invaluable in opposing the power plant location.

It is recommended that anyone giving sworn testimony not provide public comment, written or otherwise, outside of the hearing, as it can be used against your testimony.

Carol Ford, Calpilots Region 3 VP and Jay White, Calpilots General Council, gave expert sworn testimony during the Hayward Eastshore evidentiary hearing.

After that hearing closed I made comments as a local Hayward pilot under Public Comments. I also attended most, if not all CEC Work Shops, Alameda County Airport Land Use Commission Hearings, Evidentiary Hearings and the Commissioners business meetings in Sacramento, CA. Attorney Jewell Hargelroad, represented CalPilots, and provided an enor-

mous amount of legal work pro bono. An FAA published paper provides the basis for pilots to become involved with proposed power plants. It addresses industrial thermal plumes being a possible danger to small general aviation aircraft titled: *Safety Study Report DOT-FAA-AFS-420-6-1 Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes* Flight Procedure Standards Branch, AFS-420 January 2006

Status of Power Plants near CA Airports
Hard work by multiple organizations, and individuals, and the sworn testimony of the CEC Staff during the (Hayward) Eastshore Power Project, resulted in the CEC evidentiary hearing staff recommending that power plants not be sited within three miles of California general aviation airports. CalPilots recommendation is five miles.

Testifying against the Hayward power plant location(s) were CalPilots, FAA, CalTrans Division of Aeronautics, and Alameda County's expert witnesses Larry Berlin and Alameda County Planner, Cindy Horvath. Letters were also received from The Port of Oakland (Oakland Airport), CalPilots and AOPA.

Others include:

- Blythe Airport in Blythe, CA has one operating power plant. It is located approximately one mile and slightly off-center at the end of runway 26. This has resulted in a NOTAM



Blythe Airport approach runway 26

(Notice to Airmen) being published on the aeronautical charts to avoid flying directly over or near the power plant. The NOTAM has reduced the usable airport air space within one mile of the airport and removes pilot focus in the cockpit to the power plant and its thermal plume

- Blythe II - A second power plant, now licensed sited by the CEC, has resulted in a mitigating issue by the CEC for the FAA to change the airport pattern. Blythe II has not been constructed as of this writing.
- Eastshore Power Project *DENIED* by the CEC Commissioners (11-08-08)
- Russell City Energy Center Amendment, Hayward Executive Airport in Hayward, CA is now licensed by the CEC and in the process of the BAAQMD (Bay Area Air Quality Management District) permit process and is located approximately 1.5 miles from the airport. A mitigating issue is to publish a NOTAM to avoid the thermal plumes. This has resulted in reduced airspace with 1.5 miles of the airport.

Other Proposed CEC Power Plant Projects Being Sited Near Ca Airports:

- Carlesbad Energy Center (07-AFC-06) -
- McCellan - Polomar Aripport
- Tracy Combined Cycle (08-AFC-07) -
- Tracy Airport
- Palmdale Solar Gas Hybrid (08-AFC-9) -
- Palmdale Airport

All current CEC Power Plants in the process of being licensed can be found at:

<http://www.energy.ca.gov/sitingcases/alphabetical.html>

Strategy

Airports and their associated open space are magnets for development. That is a fact of life. We do not, however, have to accept development, such as large power plants that will endanger aircraft operations. It is up to each of us to make sure that does not happen.

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Power plants continued.

The CEC hearing is a long but important process. Unless local pilots get involved early we may find ourselves flying airport traffic patterns worried about turbulent upset due to the heat from the stacks of a power plant.

Here are some steps to head off power plant development within five miles of your airport:

1. Determine the exact location of the proposed power plant, and whether the Airport Land Use Commissions addresses power plants and Airport land Use Safety Zones.

2. Determine CEC power plant project 'siting' schedule meetings and location, Airport Land Use meetings, all evidentiary meetings, and all Commissioners Business Meetings in Sacramento, CA.

- Identify CEC Staff project staff
- Determine witnesses for CEC Evidentiary hearing

3. Contact potentially affected communities as soon as the agency is aware that a permit application may be filed or is filed.

- Determine your city and County Agency positions

4. Involve the community early on key issues:

- Develop a plan for community involvement in conjunction with the community.

- Hold an initial hearing or an informal meeting with the potentially affected communities immediately after receipt of the application.

- Identify community concerns, establish credible dialogue - and avoid mistrust that can be created by negotiations with the source out of the public eye.

- Identify, contact and involve your local airport pilot organizations

- Identify and contact FAA and CalTrans Division of Aeronautics personnel

5. Review and comment on the CEC Preliminary Staff Report and the Final Staff Report Transportation, Visual and Hazardous Materials Sections.

- Make technical reports available to the public as soon as they are available - the current 30-day comment period is inadequate for communities to obtain independent technical advice on complicated issues.

- Establish a repository of information that is easily accessible (within a day's notice) so that the public does not have to rely on Public Records Request. Make documents available on the web.

- Determine witnesses for CEC Evidentiary hearing.

- Provide meaningful technical assistance, and make technical experts available for questions.

Long Term –

Open space around airports will continue to be targets of development of all types. Power plants in close proximity of airports can be dangerous. We need to create a long term strategy to protect our airports from the dangers of stack turbulence. Here are a few ideas to accomplish this goal.

- Eliminate Airport encroachment by Power Plants – Implement California Legislation against power plant construction within 5 miles of any airport.

- Work with City or County Airport Land Commissions to write into the Airport Land Use no power plants with 5 miles of the airport.

Bottom line: Become aware of power plant development in your area and act upon it immediately when proposed.

Editor's Note: Andy Wilson was a CALPILOTS 2008 Airport Advocate of the Year Award Winner. He has been tireless pursuing the inappropriate placement of power plants within close proximity of airports. He not only attended the above meetings for both Eastshore and Russell City. He also became educated on the issues involving power plants within five miles of airports.

SAN CARLOS AIRPORT PILOTS ASSOCIATION STOPS HOUSING DEVELOPMENT

In one of the most threatening moves in recent years, a housing project was recently proposed that would have put approximately 400 residents under the helicopter pattern at San Carlos Airport. Located at 767 Industrial Drive, these people would have been living with some of the best noise an aviator could imagine — planes taking off and helicopters flying overhead — but something that would obviously have been annoying to some non-aviators.

Even though they would have been warned with legal disclosures at the time of purchase and in spite of the fact that the control tower is clearly visible from this property, some of these new residents would eventually have complained about the Airport.

Recognizing this as an imminent threat, over the past 18 months the SCAPA Board of Directors monitored the various government approvals for this project. This included attending and speaking out, as appropriate, at meetings of the San Carlos Planning Commission, the General Plan Advisory Committee and the City Council.

Finally, on Oct. 27, 2008 the City Council held a meeting at which they voted on zoning changes and a general plan amendment that would have allowed this project to go forward.

SCAPA President Carol Ford spoke on our behalf at this meeting and pointed out the incompatibility between the Airport and housing at this site.

You can watch a video of Carol's remarks by visiting our web site. Fast forward to 2:45:40 to skip the 2 hours and 45 minutes of the meeting that preceded Carol's presentation.

A number of San Carlos residents who are also SCAPA members responded to a last-minute call for Airport supporters to attend the Oct. 27th meeting. This was very helpful to show the Council that they represent many people who agree with SCAPA's position. We would like to thank W.D. Lewis, Mark Rockwell, Bruce Wallace, Carl Mauck, Frank Alaimo, Laurie Pitman, and Jon Carlson for showing up and in many cases staying throughout the entire meeting, that lasted more than 5 hours. (If we missed anyone, please accept our apology and send email to webmaster at sancarospilots.org so we can add your name to the list.) It was unfortunate that another unrelated and lengthy matter was on the agenda that caused the meeting to last past midnight. Everyone who attended deserves a big vote of thanks.

The final result was that the Council voted against the zoning and general plan changes that would have permitted housing at 767 Industrial Rd. This is great news for SCAPA since it stops this project for now.

Thanks to everyone who helped out. Every current and future user of the Airport should appreciate your efforts.

Rest assured that SCAPA is ever vigilant and will keep you informed as other threats to the Airport develop.



Carol Ford is Region 3 VP. of the California Pilots Association. SCAPA is a CALPILOTS Chapter

LASP - WITHDRAW OR CANCEL IT

Jack Kenton Region 4 VP



Threat - Starting with our Marines in Lebanon to today, most terrorist attacks have used motor vehicles (a boat in Aden) full of explosives. The NPRM's threat assessment used 4 General Aviation (GA) threat concepts. The first two, pages 135 -136 of the NPRM, caused few casualties while the last, on page 137, used WMD. The WMD would be horrific without air delivery; I do not, however, think that it is an appropriate threat to assign to an aircraft. The third threat was an unlikely repeat of the 9/11 scenario. The TSA threat analysis, as presented, appears as something of a "stretch". The analysis seems to be designed to prove what was already decided, i.e., that GA is a threat to the U.S. If one reviews the history of terrorism, however, it would appear that the weapon of choice is a motor vehicle full of explosives, not an airplane.

Economic - The proposed rule will economically discourage private aviation. Congress has already admonished the "Big 3 Autos" for their extravagance in using airplanes. The typical airplane owner does not consider an aircraft to be an extravagance. Aircraft are considered as business tools. Every company having an aviation department is scrutinizing it so as to prove the cost effectiveness of this tool. If the cost/benefit ratio isn't there, the airplanes will disappear. A factor in the benefit curve is the utility of the airplanes. If the utility is lost, the curve will demand that the airplanes be sold. One would assume that TSA is aware of the fact that corporate aviation grew in response to the imposition of TSA rules on airlines and their passengers. Your rules have made airline travel an inconvenience for business travelers. Now, with a rule requiring the addition of security coordinators to staff, the

purchasing of auditor services, and having to expose the nature and extent of their security programs, the cost/benefit ratio will tilt the numbers to aviation's detriment. With the loss of every airplane out there, the income of airports and FBOs will suffer. That will then affect the airports.

What about airports? - A lot of them are already harassed by neighbors complaining about noise. And a good number are just looking for an excuse to close their airport. The cities operating them often do not see the benefits the airports bring to business and industry; they only see what they consider an inadequate stream of airport income. Now we add more requirements in the form of rule changes and tell them that, as they have large aircraft, they need to add a security coordinator and start record-keeping, etc. A year ago, Tahoe-Truckee Airport was talking about shortening its runways. I can't recall their reason, but everyone knows that it was to discourage jet traffic. Using a different twist, the Santa Monica Airport has tried to stop its use by the higher performance executive jets. It seems odd to have a government agency working against our government supported aviation system.

Auditors! - The LASP proposal requires all owners/operators hire a third party auditor and that auditor would then examine the owner/operator's security program. There are other problems with this proposal.

- First, the operator has the expense of hiring an auditor. Expense is a big factor in owning and operating a large aircraft. An auditor, per the NPRM and as hired help, would expect to return periodically. That auditor will look forward to a revenue stream created by making those return audits. That means that the auditor would not want to offend anyone as the operator might then change auditors. We all

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LASP Continued

know what the Wall Street auditors did when asked to audit junk mortgages. When they had no basis on which to work, they simply guessed at something. Why? - Because they would not have had the continuing clients if they could not keep the client happy.

- A second factor in the business of security is the secrecy of the security programs. Since the 9/11 terrorist attacks, every operator of a "large aircraft" has reviewed their security and just about every one of them has increased the level of security surrounding their airplane operations. One thing that the owner/operators do not want is for everyone to know how their security programs work. A third party audit of their security program is something that everyone fears would lead to removing the secrecy that is a part of their security programs.

Aircrew Security checks - The proposed rule would require LASP aircraft operators to begin ensuring that their flight crewmembers undergo Security Threat Analysis checks and would limit the validity of a STA to five years. Air operators have been doing background checks for years. To now add the TSA criminal and threat checks to what is already being done, and to redo these checks every five years, is simply overkill. Already we have a situation in which, under the existing rules, a person such as Ms. Martha Stewart would be ineligible to be hired in any position. Add this and the "no fly" list issues and the general avia-

tion loses its ability to provide the utilitarian travel that it can provide today.

Conclusion - Aircraft owners/operators are very much concerned about security. Their insurance, their reputation, their livelihood is based on their being able to transport company personnel, passengers, executives, equipment, etc. in a utilitarian manner.

The existing TSA regulation of air carriers has driven corporations to private aircraft because the airlines cannot quickly and reliably transport people. Implementation of the proposed LASP would hurt the aircraft industry and result in the selling of many of the private aircraft that the NPRM is targeting. Aside from the fact that the NPRM would appear to destroy our system of private aviation, it will seriously hurt our economy and will likely mean the loss of additional aircraft industry and that could include some of the airports which make U.S. private aviation as flexible and utilitarian as it is.

We would recommend that you take another look at this rule proposal and simply recall and cancel it. As a minimum, there should be further discussion with the Aviation Rule-Making Committee which has worked with the FAA on its rule-making proposals.

This response to the Large Aircraft Security Plan was sent to TSA by Jack Kenton.

AIRPORT ADVOCATE
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100 LL UNDER THREAT

In October new standards set by the EPA and meant to “slash the amount of the toxic metal [lead] in the nation’s air by 90 percent,” will affect the pilots of small aircraft. AOPA has reviewed the matter and taken action. Formal comments filed by AOPA in response to the EPA notice state that **piston-powered aircraft account for roughly “one-tenth of 1 percent” of total emissions and within the transportation sector accounts for just 0.55 percent.** AOPA is urging the EPA to consider both cost and safety issues that could arise from further regulation of a sector with such a small lead footprint, noting also that the industry employs over 1.3 million people and has a “direct and indirect effect” on the economy that “exceeds \$150 billion annually.” The EPA is acting upon a Supreme Court ruling that forces the administration to regulate greenhouse gases. But for now, AOPA has judged that the EPA’s notice, itself, will not bring any changes to general aviation operations.

LASP - WHO PAYS FOR THIS? - WE DO

“We’re from the government and we’re here to help you”. What is clear is that TSA has no clue how GA works, and there is no GA representation on TSA. If there were, these ill conceived proposals would never see the light of day.

The LASP proposal identifies approximately 320 airports that would need to adopt a “Partial” airport security program. The TSA has identified these airports as either a DOT defined reliever airport or one that regularly serves scheduled or public charter operations in large aircraft. The “Partial” airport security program would require:

- Designation of an airport security coordinator
- Training program for law enforcement personnel
- Description of law enforcement support
- System for maintaining records
- Procedures for dealing with Sensitive Security Information (SSI)
- Procedures for posting public advisories
- Incident management procedures

As you can see, this could be quite burdensome and costly for the airport administration and could affect you as a tenant and/or user of the airport. We should also encourage airport managers and the staff to comment against this proposed rule.

FEDERAL AND STATE CONTACTS

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500
FAX (202) 456-2461
President@whitehouse

Secretary of Transportation
Mary E. Peters -
U. S. Department of Transportation
NW 400 7th Street SW
Washington, DC 20590
Phone (202) 366-4000
gov.dot.comments@ost.dot.gov

FAA Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591
Phone (202) 366-4000

Governor Arnold Schwarzenegger
State Capitol Building 331
Sacramento, CA 95814
FAX (916) 445-4633
governor@governor.ca.gov

Senator Barbara Boxer
Hart Senate Office Building
Washington, DC 20510
Phone (202) 224-3553
<http://boxer.senate.gov>

Senator Diane Feinstein
Hart Senate Office Building 112
Washington, DC 20510
Phone (202) 224-3841
<http://feinstein.senate.gov>

Congressman Mike Honda
1713 Longworth HOB
Washington, DC 20515
P:(202)225-2631
F:(202)225-269
<http://honda.house.gov>

Gary Cathy, Acting Chief
Department of Transportation,
Division of Aeronautics, MS #40
P. O. Box 942874, Sacramento,
CA 94274-0001
Phone (916) 654-5470 •
gary.cathey@dot.ca.gov

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Membership Type: Please circle one New Renewal Individual \$35 Lifetime \$500

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PRESIDENT

Ed Rosiak
(800) 319-5286
erosiak@comcast.net

SENIOR VP

Doug Rice
(408) 354-5824
dougrice@juno.com

GENERAL COUNSEL

Jay White
(800) 319-5286
jaywhite@astreet.com

TREASURER

Walt Wells
707-785-3921
waltwells@earthlink.net

VP - REGION 1

William Hill
(530)-241-9268
wvhill@sbcglobal.net

VP - REGION 2

Jim MacKnight
408-779-0301
jmack102ea@hotmail.com

VP - REGION 3

Carol Ford
650) 591-8308
carol_ford@sbcglobal.net

VP - REGION 4

Jack Kenton
310-322-8098
vpr4@calpilots.net

VP-Region 5

Ron Cozad
(760) 431-8200
cozadlaw@sbcglobal.net



DIRECTOR-at-LARGE

Rick Baker
(760) 650-4111 X711
rbaker@calpilots.net

DIRECTOR-at-LARGE

Peter Albeiz
818-445-2027 (Cell)
30480@msn.com

DIRECTOR-at-LARGE

Elliot Sanders
(818) 261-0060
N5777V@aol.com

Director-at-Large

Charlene Fulton
209 521-6022
Robnchaz@sbcglobal.net

SECRETARY

Robin McCall
(310) 546-9344
robinmccall@yahoo.com

DIRECTOR-at-LARGE

Bill Sanders
858-752-4000
m20.bill@gmail.com

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